IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.582 OF 1996.

The State of Maharashtra : Appellants.

versus

Shri Gokul Halya Tandel : Respondent.

Mr.B.R.Patil, AGP, for the State.

None for the respondent.

CORAM : D.G.DESHPANDE,J.

DATED : 9th March 2005.

ORAL ORDER

1. Heard learned AGP for the State who has filed this appeal challenging the order of the Reference Court by which the compensation was awarded to the claimant/respondent at the rate of Rs.30/- per sq.mtr.

2. The date of Notification under Section 4 was 24th September 1986 and Notification under Section 6 was 24th September 1987. The land was acquired from village Karave to the extent of 3490 sq.mtrs. The SLAO has granted Rs.10/- per

sq.mtr. Therefore, the claimant filed a reference and, the Reference Court awarded Rs.30/- per sq.mtr., which according to the State, is higher and, therefore, this appeal.

3. From the judgment it is clear that the Court has taken into consideration the fact that for the land acquired as per Exhibit 11, which was a award in respect of the same village, and the notification in that case was dated 4.2.1970, the predecessor of the Reference Court has fixed compensation at Rs.15/- per sq.mtr. The notification in the present case is of 1986. There was a gap of about 16 years, 7 months and 20 days between those two notifications and, therefore, the Court upheld the contention of the claimant about enhancement of price, taking Rs.15/- per sq.mtr. as the basis. The calculation actually come to Rs.50/- per sq.mtr. But, however, the Reference Court awarded Rs.30/- per sq.mtr that a willing purchaser would pay to the claimant in 1986. I do not find any mistake in this approach of the Reference Court. Therefore, no interference is called for. The Appeal is dismissed. No order as to costs.

[D.G.DESHPANDE]

09/03/2005 JUDGE.